

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Valentina Concha-Toro	Team: Squad #12	CCRB Case #: 201904268	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 02/03/2019 12:00 PM	Location of Incident: § 87(2)(b)	Precinct: 19	18 Mo. SOL 8/3/2020	EO SOL 3/20/2021	
Date/Time CV Reported Wed, 05/15/2019 1:11 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 05/15/2019 1:11 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Andrew Murphy	03448	956962	019 PCT
2. POM Manuel Jorge	27262	965228	019 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Manuel Jorge	Force: Police Officer Manuel Jorge used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Andrew Murphy	Force: Police Officer Andrew Murphy used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Andrew Murphy	Abuse: Police Officer Andrew Murphy refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
D.POM Andrew Murphy	Abuse: Police Officer Andrew Murphy forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
E.POM Manuel Jorge	Abuse: Police Officer Manuel Jorge forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On May 15, 2019, § 87(2)(b) submitted this complaint in person at the CCRB.

At approximately 12:00 p.m. on February 3, 2019, § 87(2)(b) arrived at § 87(2)(b) in Manhattan and entered the Sacristy. § 87(2)(b) asked § 87(2)(b) to leave the Sacristy or he would call the police. § 87(2)(b) exited the sacristy and attended Mass. Police Officers Andrew Murphy and Manuel Jorge responded to § 87(2)(b) and approached § 87(2)(b). Police Officers Murphy and Jorge removed § 87(2)(b) from the church and placed her in handcuffs (**Allegation A and B: Force – Physical**, § 87(2)(g)). Police Officer Murphy refused to provide § 87(2)(b) with his shield number (**Allegation C: Abuse of Authority – Refusal to Provide Shield Number**, § 87(2)(g)). § 87(2)(b) was removed to the hospital (**Allegation D and E: Abuse of Authority – Removal to the Hospital**, § 87(2)(g)). No summonses or arrests were made during this incident.

Four body-worn camera videos were obtained during the investigation (Board Reviews 01-04)

Findings and Recommendations

Allegation (A) Force: Police Officer Andrew Murphy used physical force against § 87(2)(b)

Allegation (B) Force: Police Officer Manuel Jorge used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) entered the Sacristy at § 87(2)(b) and spoke to § 87(2)(b). § 87(2)(b) left the Sacristy and sat in the church to attend Mass. Police Officers Murphy and Jorge responded and approached § 87(2)(b) who was seated in a pew. Police Officer Murphy spoke with § 87(2)(b). § 87(2)(b) refused to leave her seat. Police Officers Murphy placed a hand on one of her lower arms. § 87(2)(b) yelled “blasphemy.” Police Officers Murphy and Jorge removed § 87(2)(b) from the church.

§ 87(2)(b) provided a verified interview on May 15, 2019 (Board Review 05). § 87(2)(b) stated that § 87(2)(b) asked her to leave the Sacristy but did not ask her to leave the church. Upon his initial approach, Police Officer Murphy asked her to leave the church and she refused. Police Officers Murphy and Jorge “violently” handcuffed § 87(2)(b) and “dragged” her out of the church. § 87(2)(b) did not provide additional testimony regarding the alleged force.

During Police Officer Murphy’s CCRB interview on July 12, 2019 (Board Review 06), he stated that upon arriving at the church a female individual who was affiliated with the church, § 87(2)(b) told him and Police Officer Jorge that § 87(2)(b) had threatened § 87(2)(b) and she wanted § 87(2)(b) removed from the church. After § 87(2)(b) refused Police Officer Murphy’s request to speak with him twice, he made the decision to forcibly remove § 87(2)(b) because the information provided by § 87(2)(b). Police Officer Murphy placed his hand underneath one of § 87(2)(b)’s elbows and she stood up from her seat. Police Officer Jorge placed his hands on her other arm. Police Officers Murphy and Jorge held onto each of § 87(2)(b).

§ 87(2)(b)'s arms and § 87(2)(b) walked out of the church. Police Officer Murphy held onto § 87(2)(b)'s arm because he did not want § 87(2)(b) to harm any individual in the church. § 87(2)(b) was placed in handcuffs outside of the church.

On September 16, 2019, § 87(2)(b) provided a telephone statement (Board Review 13). § 87(2)(b) stated that he had known § 87(2)(b) for more than 10 years and had prior knowledge that she was mentally unstable. Within the last year § 87(2)(b) had been causing problems for § 87(2)(b). On the date of incident, when § 87(2)(b) was in the Sacristy he had asked her to leave. § 87(2)(b) did not recall if he specified whether to leave the Sacristy or § 87(2)(b). § 87(2)(b) called 9-1-1 and informed the operator he needed police help regarding § 87(2)(b). § 87(2)(b) told § 87(2)(b) to identify § 87(2)(b) to Police Officers Murphy and Jorge.

At 2:03 minutes into Police Officer Jorge's body-worn camera footage (Board Review 02), a woman tells Police Officers Jorge and Murphy that § 87(2)(b) was threatening the priest and screaming at him. From 04:10 minutes to 05:29 minutes into the video § 87(2)(b) is approached by Police Officer Murphy in the front pew who twice requests that she leave the church without making a scene. Police Officer Murphy bends down and § 87(2)(b) stands up. § 87(2)(b) begins yelling blasphemy. Police Officers Murphy and Jorge walk with § 87(2)(b) down the aisle of the church as she continues to yell. At 04:47 minutes Police Officer Murphy's right hand is on the back of § 87(2)(b)'s right shoulder.

The Event Information (Board Review 14) noted that the 9-1-1 caller, § 87(2)(b) was being harassed by a female at the location and that she was currently where the priest prepared for Mass.

According to NYPD Patrol Guide, Section 221-01 (Board Review 07), force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Andrew Murphy refused to provide § 87(2)(b) with his shield number.

During § 87(2)(b)'s CCRB interview (Board Review 05) she stated that while she was in the patrol vehicle she asked Police Officer Murphy for his shield number and for information regarding the 19th Precinct's supervisor and the stationhouse's address. Police Officer Murphy did not respond and closed the patrol vehicle door. § 87(2)(b) requested Police Officer Jorge's name and shield number and he provided her with both. § 87(2)(b) provided the investigation with the surnames of both officers.

During Police Officer Murphy's CCRB interview (Board review 06) he stated that he had approximately two or three conversations with § 87(2)(b) while she was in the patrol vehicle. Police Officer Murphy did not recall § 87(2)(b) having asked him for his shield number or for information regarding the 19th Precinct's supervisor. Police Officer Murphy denied he or any other officer refused to provide § 87(2)(b) their shield number.

At 02:44 minutes into Police Officer Jorge's body-worn camera footage (Board Review 02), § 87(2)(b) asks Police Officer Jorge for his shield number and says she is going to go to Internal Affairs. At 04:24 minutes into the video § 87(2)(b) asks Police Officer Jorge what precinct he belongs to. Police Officer Jorge tells § 87(2)(b) he is from the 19th Precinct. § 87(2)(b) asks for the 19th Precinct's Inspector Captain's name. Police Officer Jorge repeats his name, provides Police Officer Murphy's name and tells her he can provide his shield number when they arrive at the hospital.

§ 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Andrew Murphy forcibly removed § 87(2)(b) to the hospital.

Allegation (E) Abuse of Authority: Police Officer Manuel Jorge forcibly removed § 87(2)(b) to the hospital.

It is undisputed that EMS arrived on scene and § 87(2)(b) was removed to the hospital.

During Police Officer Murphy's CCRB interview (Board Review 06) he stated that he was the one who made the request for EMS, and did so because he had been informed that § 87(2)(b) had threatened and harassed the priest and that this was a reoccurring behavior. Police Officer Murphy believed that if § 87(2)(b) was released she would return to the church. EMS made the ultimate decision to remove § 87(2)(b) to the hospital.

At 2:03 minutes into Police Officer Jorge's body-worn camera footage (Board Review 02), a woman tells Police Officers Jorge and Murphy that § 87(2)(b) was threatening the priest and screaming at him.

An AIDED Report was prepared by Police Officer Jorge (Board Review 08) which stated that § 87(2)(b) was emotionally disturbed and had verbally threatened the priest.

According to NYPD Patrol Guide, Section 221-13 (Board Review 09), an officer must take into protective custody, and have removed to the hospital in an ambulance, any person who is apparently mentally ill or emotionally disturbed and "is conducting himself in a manner likely to result in serious injury to himself or others."

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the fourth CCRB complaint to which § 87(2)(b) had been a party (Board Review 10):

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

- Police Officer Murphy has been a member-of-service for five years and has been a subject of one prior CCRB complaint and seven allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Jorge has been a member-of-service for one year and has no prior CCRB complaints.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- A Notice of Claim search request was submitted to the New York City Comptroller's Office on July 12, 2019, and on July 22, 2019, an email was received with negative results for a Notice of Claim (Board Review 12).

Squad No. 12

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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